UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAY 22 AM 10: 15

UNITED STATES OF AMERICA, Plaintiff, v. **Armando MOTIEL-Barajas,** Defendant	Magistrate Docket No. '08 MJ 1609 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 21, 2008** within the Southern District of California, defendant, **Armando MONTIEL-Barajas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF MAY, 2008

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

SCF

CONTINUATION OF COMPLAINT:
Armando MONTIEL-Barajas

PROBABLE CAUSE STATEMENT

On May 21, 2008, at approximately 3:35 am, Border Patrol Agent I. Dickey observed four individuals running northbound in an area known as "Whiskey 8." This area is located approximately four miles west of the San Ysidro, California Port of Entry and 50 yards north of the United States/ Mexico International Boundary.

Upon arriving in the area, Agent Dickey began searching the area and found four individuals hiding behind some trucks. A fifth individual came out from behind another truck. Agent Dickey identified himself as a Border Patrol Agent and conducted an immigration inspection. All five, including one later identified as the defendant **Armando MONTIEL-Barajas**, admitted to being citizens and nationals of Mexico illegally in the United States without having any immigration documents allowing them to be or remain in the United States legally. the defendant and the other four individuals were arrested and transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 18, 2005** through **San Diego, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.